

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

THOMAS ADKINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-23-157-J
	)	
OKLAHOMA CITY POLICE DEPARTMENT,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, a state prisoner appearing pro se, filed a complaint alleging violations of his civil rights under 42 U.S.C. § 1983. This matter was referred to United States Magistrate Judge Shon T. Erwin consistent with 28 U.S.C. § 636(b)(1)(B). [Doc. No. 3]. Thereafter, Judge Erwin issued a Report and Recommendation recommending the Court dismiss, with prejudice, Plaintiff's claim against Defendant Oklahoma City Police Department (OCPD) and dismiss, without prejudice, Plaintiff's claims against Defendants Bryan Locke, Houston Dilbeck, and Michael J. Azzam (Officer Defendants) for failure to state claim. [Doc. No. 13]. Plaintiff has filed objections to the Report and Recommendation which triggers de novo review. [Doc. Nos. 14, 15, and 16].

In the Report and Recommendation, Judge Erwin finds that Plaintiff's claim against Defendant OCPD should be dismissed, with prejudice, because OCPD is not a suable entity under § 1983. Plaintiff does not object to the dismissal of OCPD. Judge Erwin also finds that the claims against the Officer Defendants should be dismissed, without prejudice, because the Amended Complaint fails to provide any specific details in support of how each Defendant violated Plaintiff's constitutional rights. In his objections, Plaintiff provides additional details regarding what each Defendant did to violate his constitutional rights. In light of these additional details, the

Court concludes that Plaintiff should be allowed to file a Second Amended Complaint against the Officer Defendants.<sup>1</sup>

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 13], DISMISSES, with prejudice, Plaintiff's claim against Defendant OCPD; DISMISSES, without prejudice, Plaintiff's claims against the Officer Defendants; and GRANTS Plaintiff leave to file a second amended complaint. Plaintiff shall file his second amended complaint by May 22, 2023.

IT IS SO ORDERED this 1<sup>st</sup> day of May, 2023.



BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> In his Second Amended Complaint, Plaintiff should include the additional details contained in his objections, as well as any other specific details as to what each Defendant did that violated his constitutional rights.